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connived at the sending or delivery of a false or fictitious telegraph message or copy or purported copy thereof, whereby or wherein the sentiments, opinions, conduct, character, purpose, property, interests or rights of any person were misrepresented or may be injuriously affected, or knowing such a letter, communication or message or any copy or purported copy thereof to be false, uttered or published the same or any copy or purported copy thereof as true. to wit:

On or about March 12, 2013, ELJWAIDI met with Jea Jung ("JUNG") in Las Vegas, Nevada, with regard to money ELJWAIDI owed JUNG. At that meeting, ELJWAIDI told JUNG that he could not access his bank account. ELJWAIDI had in his possession a forged communication or a copy of a forged communication dated March 12, 2013 (the "Letter"). The Letter appeared to be from, and signed by, Assistant United States Attorney Roger Yang ("AUSA Yang") directed to attorneys David Chesnoff, Esq. and Richard Schonfeld, Esq. The Letter was printed on U.S. Department of Justice Letterhead, stated that it was "VIA FAX VERY CONFIDENTIAL," referred to "Case No: 2:12-cr-282-JCM-GWF (ELJWAIDI)," and contained several untrue statements of fact. No such communication had been made or signed by AUSA Yang.

Knowing the Letter to be forged and with the intent to injury or defraud, ELJWAIDI showed JUNG the Letter and represented that it was true. ELJWAIDI also told JUNG that untrue statements contained within the Letter supported ELJWAIDI's representation that he could not access his bank account, thereby convincing JUNG to forestall his actions to collect against ELJWAIDI. JUNG demanded that ELJWAIDI give him a copy of the letter, and ELJWAIDI did so.

All of which constitutes Forgery, a Category "D" felony in violation of NRS 205.095.

## **COUNT II**

#### **FORGERY**

# Category "D" Felony - NRS 205.095

That the defendant, JAMAL ELJWAIDI a.k.a. JEAN MARC ("ELJWAIDI"), in the County of Clark, State of Nevada, without lawful authority, and with the intent to injure or defraud, forged a letter or written communication or copy or purported copy thereof, or sent or delivered, or

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connived at the sending or delivery of a false or fictitious telegraph message or copy or purported copy thereof, whereby or wherein the sentiments, opinions, conduct, character, purpose, property, interests or rights of any person were misrepresented or may be injuriously affected, or knowing such a letter, communication or message or any copy or purported copy thereof to be false, uttered or published the same or any copy or purported copy thereof as true. to wit:

On or about March 12, 2013, ELJWAIDI met with Nicole Rivers a.k.a. Nicole Steven ("STEVEN") in Las Vegas, Nevada, and discussed money ELJWAIDI owed STEVEN. At that meeting, ELJWAIDI told STEVEN that he needed more time to access his funds. ELJWAIDI had in his possession a forged communication or a copy of a forged communication dated March 12, 2013 (the "Letter"). The Letter appeared to be from, and signed by, Assistant United States Attorney Roger Yang ("AUSA Yang") directed to attorneys David Chesnoff, Esq. and Richard Schonfeld, Esq. The Letter was printed on U.S. Department of Justice Letterhead, stated that it was "VIA FAX VERY CONFIDENTIAL," referred to "Case No: 2:12-cr-282-JCM-GWF (ELJWAIDI)," and contained several untrue statements of fact. No such communication had been made or signed by AUSA Yang.

Knowing the Letter to be forged and with the intent to injure or defraud, ELJWAIDI showed STEVEN the Letter and represented that it was true. ELJWAIDI also told STEVEN that untrue statements contained within the Letter supported ELJWAIDI's representation that he needed more time to get access to his funds, and that he would not have to serve jail time if he was able to pay restitution within fourteen (14) days of his sentencing.

All of which constitutes Forgery, a Category "D" felony in violation of NRS 205.095.

## **COUNT III**

## SECURITIES FRAUD

## Category "B" Felony - NRS 90.570, NRS 90.650

That the Defendant, JAMAL ELJWAIDI a.k.a. JEAN MARC ("ELJWAIDI"), in the County of Clark, State of Nevada, did feloniously and unlawfully, in connection with the offer to sell, sale, offer to purchase or purchase of a security, directly or indirectly: employed a device, scheme or

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artifice to defraud; and/or made an untrue statement of a material fact or omitted to state a material fact necessary in order to make the statements made not misleading in the light of the circumstances under which they are made; and/or engaged in an act, practice, or course of business which operates or would operate as a fraud or deceit upon a person, to wit:

That on or about November 28, 2012, ELJWAIDI, directly or indirectly, offered to purchase or purchased 51% ownership of Meaology, Inc. from Nicole Rivers, a.k.a. Nikki Steven ("STEVEN"). In offering to purchase and/or purchasing this investment contract from STEVEN, ELJWAIDI utilized one or more of the following misrepresentations, omissions, and/or acts or practices which were fraudulent or deceitful:

#### MATERIAL MISREPRESENTATIONS:

- ELJWAIDI misrepresented to STEVEN that Task Commercial Group, LLC would pay her \$1,000,000 (the "Investment") in exchange for 51% ownership of her company, Meology Inc.;
- ELJWAIDI misrepresented to STEVEN that two checks he provided her dated December 6, 2012 in the amount of \$250,000 each, for a total amount of \$500,000 (the "Checks"), as partial payment of the Investment could be cashed and would be honored.

## MATERIAL OMISSIONS:

- ELJWAIDI did not disclose to STEVEN Task Commercial Group, LLC did not have sufficient funds to make the Investment;
- ELJWAIDI did not disclose to STEVEN that the account to which the Checks were to be drawn from did not contain sufficient funds to honor the checks;

Furthermore, when offering to purchase the investment contract, ELJWAIDI represented to STEVEN that he was unable to invest in her company because his money was tied up in a trust account in Europe and that he needed money to get the trust money released. Based upon ELJWAIDI's representation, STEVEN provided ELJWAIDI with a total of \$18,000. Also based upon ELJWAIDI's representation, STEVEN also acted as an intermediary in assisting ELJWAIDI to receive money from Jea Jung, who gave ELJWAIDI \$25,000 believing it to be an investment.

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All of which constitutes the crime of SECURITIES FRAUD, a category "B" felony, in violation of NRS 90.570 and NRS 90.650.

All of which is contrary to the form of the Statute in such cases made and provided, and against the peace and dignity of the State of Nevada. Furthermore, Complainant makes this declaration upon information and belief and subject to the penalty of perjury.

Dated this 26 day of March, 2013.

CATHERINE CORTEZ MASTO Attorney General

By:

SAMUEL KERN
Senior Deputy Attorney General
Bureau of Criminal Justice

# AFFIDAVIT IN SUPPORT OF ARREST WARRANT

STATE OF NEVADA		Mar 26	10 34 AM '13
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I, SHELLEY NEIMAN, being first duly sworn, deposes and states, under penalty of perjury, that I am the Affiant herein and I am a Criminal Investigator III with the State of Nevada, Secretary of State, Securities Division ("Division"). I have been assigned to the Division for nine (9) months. I am a graduate of the Southern Desert Regional Police Academy Class 07-02. I successfully completed 773 hours of instruction in a course entitled Nevada Post Category I Basic Course of Training. I have completed various training courses in Financial Analysis and Money Laundering where I learned investigative skills pertaining to crime patterns, communication, and financial crime analysis. I hold a Bachelor of Science Degree in Human Services Management and I am a Certified Public Manager through the State of Nevada. Prior to working for the Division, I was employed by the State of Nevada, Attorney General's Office, Bureau of Consumer Protection, for over five (5) years. My positions held were Criminal Investigator and Senior Criminal Investigator. My previous employment was with the State of Nevada, Employment Security Division ("ESD") for fifteen (15) years and five (5) months, where my most recent position held was a Fraud Investigator Supervisor. In my positions I have investigated various criminal offenses including deceptive trade practices, theft, unemployment insurance fraud, mortgage fraud, forgery, identity theft, voter fraud and securities fraud. I have prepared and executed numerous arrest warrants and search warrants. These assertions are true and accurate to the best of my knowledge.

Your Affiant learned the following facts, which lead the Affiant to believe JAMAL ELJWAIDI aka JEAN MARC (hereinafter "ELJWAIDI"), committed the offenses of SECURITIES FRAUD (1 count), a category B felony in violation of NRS 90.570 and FORGERY (2 counts), a category D felony in violation of NRS 205.095,

The above offenses committed by **ELJWAIDI** occurred in the County of Clark, State of Nevada.

This Affidavit is made of my own personal knowledge, except where stated on information and belief, and as to those matters, I believe them to be true and if called as a witness, I could competently testify thereto.

Your Affiant began her investigation when the Division received a referral from Steven Konrad (hereinafter "Konrad"), Special Agent, Federal Bureau of Investigation ("FBI") regarding a complaint he received from JEA JUNG (hereinafter "JUNG"). JUNG complained that he had entered into an investment contract with **ELJWAIDI** and that **ELJWAIDI** had not delivered the return on his investment as promised.

JUNG reported that **ELJWAIDI** continuously provided excuses as to why the money was delayed, including blaming it on his criminal court case. JUNG provided a letter that he was given by **ELJWAIDI**. The letter described a closed door meeting that was held with Judge Mahan and stated that **ELJWAIDI** was forbidden to engage in any banking transactions no matter what the circumstance. The letter was signed by Assistant United States Attorney (hereinafter "AUSA"), Roger Yang.

Your Affiant reviewed the letter and observed that it was dated March 12, 2013 and addressed to David Z. Chesnoff, Esq. and Richard A. Schonfeld, Esq., Chesnoff & Schonfeld 520 S. 4<sup>th</sup> Street 4 Las Vegas, Nevada 89101. The letter was printed on U.S. Department of Justice letterhead with a typed heading, "VIA FAX VERY CONFIDENTIAL". Below the heading read, "Ref: Case No.: 2:12-cr-282-JCM-GWF (ELJWAIDI)", and salutation to Mr. Chesnoff (hereinafter "Chesnoff").

The letter referenced a "behind closed doors" meeting that was purportedly held on the morning of March 12, 2013 in the AUSA office of Roger Yang with Chesnoff. The letter stated that Judge Mahan received a stipulation that was found inappropriate under "regulations in 46-18-201" and in direct violation of Federal law.

The letter further stated that no restitution payment should be allowed by **ELJWAIDI** for fourteen (14) calendar days. It read that a hearing on the issue was set on Judge Mahan's calendar for Tuesday, March 19, 2013 at 10am, and it further stated, "Meanwhile, your client

is forbidden to engage in any banking transactions no matter what under no circumstances or he will be in violation of a court order (Sec.F 90-22.53)".

The letter closed with, "Sincerely yours, DANIEL G. BOGDEN United States Attorney", and signed, "ROGER YANG Assistant United States Attorney", with an alleged signature of Roger Yang. The bottom of the letter contained, "Cc: Tim Cory & Associates, William Leonard, JP Morgan Chase, Mutual of Omaha Bank".

On or about March 20, 2013 your Affiant conducted a telephonic interview with AUSA ROGER YANG (hereinafter "YANG"). Your Affiant identified herself and the nature of the interview and YANG provided the following voluntary information.

YANG stated that he is employed at the United Stated Department of Justice, at 333 Las Vegas Boulevard, Las Vegas, Nevada 89101 as an Assistant United States Attorney for the White Collar Fraud Division. YANG has been so employed for approximately four and one-half (4½) years.

YANG stated that on or about the beginning of 2013 he was assigned to case number 2:12-CR-282-JCM-GWF, in which **ELJWAIDI** was the defendant. YANG stated that he took the case over for AUSA Rob McDonald and the case originated from the Nevada Secretary of State, Securities Division.

Your Affiant reviewed the letter with YANG that was given to JUNG by **ELJWAIDI**. YANG stated that he did not draft, sign, or authorize the letter. YANG stated that no such meeting took place on March 12, 2013 or anytime thereof and no stipulation was entered or existed. YANG further stated there was not a hearing scheduled for March 19, 2013 at 10am and that the entire letter was a fabrication.

On or about March 21, 2013 your Affiant conducted a telephonic interview with JUNG. Your Affiant identified herself and the nature of the interview and JUNG provided the following voluntary information.

JUNG stated that he is the owner of City Athletic Club at 7980 West Sahara Avenue, Las Vegas, Nevada 89117. JUNG stated that sometime in or about November 2012, an associate of his, NIKKI STEVEN (STEVEN) approached him regarding an investment

opportunity. STEVEN told JUNG that a personal friend of hers, **ELJWAIDI**, required an investment of \$25,000 to facilitate a money transaction and in return for the \$25,000 JUNG would receive \$35,000 in one weeks' time.

STEVEN advised JUNG that **ELJWAIDI** had a pending court case that placed restrictions on his activities and because of that, she was assisting him in facilitating the transfer of funds. JUNG stated that he believed STEVEN was acting on behalf of **ELJWAIDI** merely because he could not conduct the transaction himself. JUNG stated that STEVEN did not receive a commission for his investment, but that she hoped **ELJWAIDI** could clear up his financial issues and in turn would be able to invest in a company she was trying to start up.

On or about November 2012, JUNG wire transferred \$25,000 to STEVEN'S account on behalf of **ELJWAIDI**.

After a period of one week, JUNG did not receive the \$35,000 as promised and began pressuring STEVEN for the money. STEVEN advised JUNG that he needed to address the issue with **ELJWAIDI** and on or about December 2012 she set up a meeting between the two of them. During that meeting and subsequent meetings that followed, **ELJWAIDI** provided JUNG with numerous excuses as to why the payout was delayed.

JUNG stated that **ELJWAIDI** showed him several documents to support his claims, including one from CHASE Bank that showed **ELJWAIDI** had five million (\$5,000,000) dollars in his account. JUNG stated that **ELJWAIDI** would never give him a copy of the letters.

JUNG stated that over the next two (2) months of January and February 2013, **ELJWAIDI** visited him at his business office once a week to offer more excuses for the delay and he was becoming extremely frustrated. JUNG stated that he told **ELJWAIDI** he was done listening to his excuses and he was going to report him to the authorities.

On or about March 12, 2013 **ELJWAIDI** came to JUNG'S office and showed him yet another letter to explain why he could not give him his money. The letter was dated March 12, 2013, and as detailed, it referenced **ELJWAIDI'S** criminal court case and was purportedly signed by AUSA YANG. **ELJWAIDI** told JUNG that he could not access his bank account and this letter was proof of it. JUNG demanded that this time **ELJWAIDI** give him a copy of the

letter. **ELJWAIDI** made JUNG swear that he would never show the letter to anyone as it was a behind closed doors meeting and extremely confidential. JUNG agreed and took a copy of the letter.

JUNG stated that after he began reviewing the letter more closely, he realized the letter was worded in a garbled fashion and there appeared to be typos. JUNG became suspicious of the letter and looked on-line for court documents that contained the signature of YANG. JUNG stated the he located a filed court document that contained YANG'S signature and it did not look like the one on the letter. JUNG stated that he called the AUSA'S office and advised YANG of the letter. JUNG stated that is when he filed his complaint with the FBI.

On or about March 20, 2013 your Affiant conducted a telephonic interview with NICOLE RIVERS aka NIKKI STEVEN. STEVEN stated that she is a personal trainer and also trying to start up her own training and nutrition business called Mealology. STEVEN stated that for approximately three (3) years she provided personal training services for ELJWAIDI'S wife, Kamilla. During this time they became friends and Kamilla told STEVEN she should talk to her husband, **ELJWAIDI**, about investing in her business.

STEVEN stated that approximately two (2) years ago, she met with **ELJWAIDI** and discussed her business plan. **ELJWAIDI** was very interested and told STEVEN that he wanted to invest one million (\$1,000,000) dollars. STEVEN stated that she believed and trusted **ELJWAIDI** and began planning for the future. As time went by, however, **ELJWAIDI** began making excuses as to why he could not provide the funding.

STEVEN stated that on or about November 28, 2012, **ELJWAIDI** finally entered into an investment contract with STEVEN wherein he promised to make the one million (\$1,000,000) dollar investment in exchange for 51% ownership of the company. STEVEN provided your Affiant a copy of the contract.

The investment contract was between STEVEN and Mealology Inc. and TASK COMMERCIAL GROUP LLC (hereinafter "TASK"). The contract was dated November 28, 2012 and listed a beginning date of December 6, 2012. The contract stated that TASK was to pay STEVEN five hundred thousand (\$500,000) dollars no later than December 6, 2012,

dispersed in the form of two (2) checks, each one for two hundred fifty thousand (\$250,000) dollars. After one week, **TASK** was to pay an additional five hundred thousand (\$500,000) dollars to an escrow account in the name of Mealology Inc.

The contract stated that **TASK** would receive fifty-one percent (51%) ownership of Mealology Inc. and STEVEN would retain forty-nine percent (49%) ownership. The contract specified that STEVEN should devote her full time and effort to the projects and services and that each party shall purchase whole life insurance policies in the minimum amount of one million (\$1,000,000) dollars naming each other as beneficiaries.

STEVEN provided your Affiant with copies of two checks issue to her by **ELJWAIDI** at the time they signed the investment contract. Check #8064, payable to NIKKI RIVERS, dated December 6, 2012, in the amount of two hundred fifty thousand (\$250,000) dollars and check #8065, payable to Mealology Inc., dated December 6, 2012 in the amount of two hundred fifty thousand (\$250,000) dollars. Both checks were issued out of **TASK COMMERICAL GROUP LLC**, JPMorgan Chase account, number 450682178, and both checks were signed by **ELJWAIDI**.

**ELJWAIDI** advised STEVEN that his money was tied up in a trust account in Europe and that he needed money to get the trust money released. **ELJWAIDI** assured STEVEN that once the trust money was released, he could pay back his court ordered restitution, pay off all of the people he owed, and invest in her company.

STEVEN stated that she introduced two people to **ELJWAIDI**, JUNG and DENISE DINGER (hereinafter "DINGER"). STEVEN stated that JUNG gave **ELJWAIDI** twenty-five thousand (\$25,000) dollars with the understanding that he would receive thirty-five thousand (\$35,000) dollars back. STEVEN stated that because **ELJWAIDI** had banking restrictions on him she facilitated the transfer of funds for the investment. STEVEN stated that on or about November 2012, JUNG wire transferred the twenty-five thousand (\$25,000) dollars to her account and she then took out twenty-five thousand (\$25,000) dollars cash and gave it to **ELJWAIDI**. STEVEN stated that she received no commission, kick-back, or other form of payment for the referral.

STEVEN stated that DINGER initially gave **ELJWAIDI** thirty thousand (\$30,000) dollars and received fifty thousand (\$50,000) dollars back. STEVEN stated that again, she processed the transaction on **ELJWAIDI'S** behalf and received no commission or payment for the referral. STEVEN stated that DINGER was so happy with her return that she asked STEVEN if she could make a second investment with **ELJWAIDI**. STEVEN stated that she contacted **ELJWAIDI** on DINGER'S behalf and he agreed to accept her investment of fifty thousand (\$50,000) dollars with the agreement that she would make sixty-five thousand (\$65,000) dollars.

STEVEN assisted in the cash transaction, gave the money to **ELJWAIDI**, and later heard from DINGER that she had only received approximately nine thousand (\$9,000) dollars in return. STEVEN advised DINGER that she needed to deal with **ELJWAIDI** himself regarding the failed investment and believes that DINGER has been receiving some kind of payments from **ELJWAIDI**.

STEVEN stated that she also gave money to **ELJWAIDI**, approximately eighteen thousand (\$18,000) dollars total. She gave **ELJWAIDI** this money based upon his representations that it would bring him closer to being able to release funds from his trust account so he could invest in her business.

On or about January 14, 2013 STEVEN entered the JPMorgan CHASE bank located at 9151 W. Sahara Ave. Ste. #100, Las Vegas, NV 89117 and presented the checks to the teller that were issued by **ELJWAIDI** for the investment contract. STEVEN stated that the teller accessed the **TASK** bank account records via the computer and advised her that there were not sufficient funds to cash either of the checks. STEVEN stated that the teller did not advise her on how to proceed; she returned the checks to STEVEN.

STEVEN stated that she questioned **ELJWAIDI** about the funds and he gave her more excuses. On or about March 12, 2013, **ELJWAIDI** brought STEVEN a letter that was printed on U.S. Department of Justice letterhead, signed by AUSA YANG, and it related to his restitution payments. **ELJWAIDI** explained to STEVEN that the letter reflected a very confidential closed door meeting held with the judge whereby it was agreed to modify his

sentence and that he would not have to serve jail time if he was able to pay restitution within fourteen (14) days of his sentencing date. STEVEN requested a copy of the letter and **ELJWAIDI** refused because it was highly confidential.

Your Affiant obtained a subpoena requesting the bank records of **ELJWAIDI** and **TASK** and served it upon JP Morgan CHASE Bank. A review of the bank records revealed that Business Checking Account number 450682179 was opened on February 23, 2012 by **ELJWAIDI** and at all times, **ELJWAIDI** was the only signor on the account. Bank statements for the period of December 4<sup>TH</sup> through December 10, 2012 reflect a daily ending balance as follows:

DATE:	DAILY ENDING BALANCE:
12/4/2012	\$6,756.61
12/5/2012	\$4,194.93
12/6/2012	\$19,833.05
12/7/2012	\$10,815.04
12/10/2012	\$2,107.19

Delaina Marzullo, Custodian of Records for the Nevada Secretary of State,

Corporations Division provided copies of the corporate filings for TASK COMMERCIAL

GROUP LLC; filed under corporate number E0102692012-2. The Registered Agent was listed as Gerald Netzky, Managing Member listed JEAN MARC ELJWAIDI, with an address of 7545 W. Sahara Ave., Suite 210, Las Vegas, NV 89117. She also conducted a search of the corporate filings for the State of Nevada and provided copies for Mealology Inc.; filed under corporate number E0024702012-0. The Registered Agent was listed as Piercy Bowler Taylor & Kern and the President, Secretary, and Treasurer listed NICOLE RIVERS at 9599 W. Charleston #2087 Las Vegas, NV 89117.

Your Affiant reviewed U.S. v. **JEAN MARC ELJWAIDI**, Case 2:12-CR-282-JCM-GWF History, and noted that on or about August 24, 2012 **ELJWAIDI** pleaded guilty to wire fraud and agreed to pay restitution of nearly \$1.8 million to investors, who were victimized. On

March 4, 2013 **ELJWAIDI** was sentenced to twenty-one (21) months in federal prison and ordered to pay \$1.8 million in restitution. He was given until June 3, 2013 to self-report.

#### CONCLUSION:

Your Affiant believes that **ELJWAIDI**, even after being sentenced to federal prison and allowed to self-report by June 3, 2013, continues to perpetuate a scheme whereby he lures in new investors with promises of high returns only to provide empty promises and excuses when he fails to deliver.

Based on your Affiant's investigation, whereby **ELJWAIDI** entered in an investment contract with STEVEN and issued two (2) checks to purchase fifty-one (51%) percent ownership of the company, whereby there were non- sufficient funds in the bank account to cover the checks, that **ELJWAIDI** engaged in deceit and fraud upon STEVEN in connection with the purchase of a security.

Based on your Affiant's investigation, your Affiant believes that **ELJWAIDI** convinced STEVEN to refer investors to him under the guise that it would assist him in accessing money; money that he would then utilize to pay back investors and invest in her business.

Whereby, your Affiant believes that based on statements of YANG, STEVEN, and JUNG, that **ELJWAIDI** uttered a forged letter from AUSA YANG and used it to convince STEVEN and JUNG that his criminal court case was preventing him from accessing the funds he promised, when in all actuality, there were no funds.

Based on your Affiant's investigation, it is respectfully submitted that the foregoing establishes probable cause to believe that **JAMAL ELJWAIDI aka JEAN MARC**, d/o/b 05/01/1968 has committed the crime of **SECURITIES FRAUD** (1count), a category B felony in violation of NRS 90.570 and **FORGERY** (2 counts), a category D felony in violation of NRS 205.095.

Wherefore, your Affiant requests that a warrant for the arrest of JAMAL ELJWAIDI aka JEAN MARC be issued. STATE OF NEVADA COUNTY OF CLARK SUBSCRIBED and SWORN TO before me day of RY PUBLIC, In and for said County and State 

Criminal Investigator III
Office of the Secretary of State

